

Mr. Lykes moved that the Senate adjourn until Monday at 12 M.;

Which was not agreed to.

Mr. Smith moved that the Senate adjourn until Monday morning at 10 o'clock;

Which was agreed to, and the President declared the Senate adjourned until Monday morning at 10 o'clock.

TUESDAY, JANUARY 26, 1875.

The Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, Oliveros, and Smith—12.

Not a quorum present.

Mr. Oliveros moved that the roll be called;

Which was agreed to.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Brantley, Cottrell, Crawford, Dennis, Durkee, Fortner, Hendry, Hill, Howell, Johnson, Knight, Long, Lykes, McAuley, McKinnon, Meacham, Oliveros, Os-good, Parlin, Pope, Smith, Sturtevant, and Wallace—24.

A quorum present.

Mr. McKinnon moved that the call of the Senate be suspended;

Which was agreed to.

Prayer by the Chaplain.

The Journals of Thursday, Friday, and Saturday were then read and approved.

Mr. Oliveros moved that the Senate take a recess for fifteen minutes to allow the Secretary time to obtain the Journal of yesterday from the State Printer;

Which was agreed to, and the President declared the Senate adjourned for fifteen minutes.

ANTER RECESS.

The Senate resumed its session.

The Journal of yesterday was read and corrected so as to show that Mr. Durkee was excused from attendance in the Senate on account of sickness.

Mr. McKinnon moved that the Journal as corrected stand approved.

Mr. Dennis objected to the approval of the Journal on the ground that the Journal showed the transaction of business which it was not in the power of the Senate, acting without a quorum, legally to transact.

In connection with the power of a minority of the Senate to compel the attendance of absentees, and the consequent legality of the proceedings of the day previous, as shown by the record, the President ruled that, in the absence of anything in lieu thereof in the Rules and Orders of this Senate, rule eight of the rules and orders of the Senate of the United States was binding upon this body.

Mr. Dennis appealed from the ruling of the Chair.

On the question, Shall the Chair be sustained?

The yeas and nays were called with the following result:

Those voting in the affirmative were—

Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, and Oliveros—10.

Those voting in the negative were—

Messrs. Dennis, Durkee, Hill, Howell, Johnson, Long, Meacham, Osgood, Parlin, Pope, Smith, Sturtevant, and Wallace—13.

So the ruling of the Chair was not sustained.

On the motion of Mr. McKinnon to approve the Journal, the yeas and nays were called with the following result:

Those voting in the affirmative were—

Mr. President, Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, Oliveros, and Smith—12.

Those voting in the negative were—

Messrs. Dennis, Durkee, Hill, Howell, Johnson, Long, Meacham, Osgood, Parlin, Pope, Sturtevant, and Wallace—12.

So the Journal was not approved.

Mr. Dennis moved that the Senate take a recess until five minutes before twelve.

Pending the consideration of this motion the Chair announced the arrival of the hour for taking a ballot for a United States Senator to fill the vacancy to be occasioned by the expiration of the term of Abijah Gilbert on the 4th of March.

Nominations were decided to be in order by the President.

Mr. Wallace nominated J. S. Adams.

Mr. Long nominated Samuel Walker.

Mr. Durkee nominated Horatio Bisbee, Jr.

A ballot was then taken with the following result:

*For Mr. Henderson*—Messrs. McCaskill and Fortner—2.

*For Robert Bullock*—Mr. Brantley—1.

*For J. L. Crawford*—Mr. Cottrell—1.

*For D. S. Walker*—Messrs. Crawford and McKinnon—2.

*For Abijah Gilbert*—Mr. Dennis—1.

*For Horatio Bisbee, Jr.*—Messrs. Durkee, Howell, Parlin, Pope, and Johnson—5.

*For Samuel Walker*—Messrs. Hill, Long, and Meacham—3.

*For J. T. Walls*—Mr. Osgood—1.

*For M. L. Stearns*—Mr. Sturtevant—1.

*For J. S. Adams*—Mr. Wallace—1.

*For Wilkinson Call*—Messrs. Hendry, Knight, Lykes, McAuley, Oliveros, and Smith—6.

The Senate proceeded with its regular business.

Mr. Meacham moved to adjourn until 10 o'clock to-morrow morning;

Upon which the yeas and nays were called with the following result:

Those voting in the affirmative were—

Messrs. Dennis, Durkee, Hill, Howell, Johnson, Long, Meacham, Osgood, Parlin, Pope, Sturtevant, and Wallace—12.

Those voting in the negative were—

Mr. President, Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, Oliveros, and Smith—12.

So the Senate refused to adjourn.

Mr. Johnson offered the following resolution and moved its adoption:

*Resolved*, That the Attorney-General be requested to send to the Senate his official opinion, as the law officer of the State, as to whether there is any law now in force governing contested election cases in this Senate.

On the question of its adoption, the yeas and nays were called with the following result:

Those voting in the affirmative were—

Mr. President, Messrs. Dennis, Durkee, Hill, Howell, Johnson, Long, McKinnon, Meacham, Osgood, Parlin, Pope, Sturtevant, and Wallace—14.

Those voting in the negative were—

Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, Oliveros, and Smith—10.

So the resolution was adopted, and the Secretary was ordered to transmit a copy of it to the Attorney-General.

Which was received.

Mr. Wallace introduced Senate concurrent resolution No. 3, relative to the Freedman's Savings Bank;

Which was received and placed among the orders of the day.

Mr. Dennis offered the following preamble and resolution:

WHEREAS, One Alexander Grant and one E. W. L'Engle were, on the 25th inst., while the Senate was without a quorum, appointed by the President *pro tem.* assistant Sergeant-at-arms; and whereas, the said L'Engle and Grant, acting under said appointment, did attempt to arrest, and with force and arms did assault with deadly weapons, shoot at and endanger the life of a member of the Senate, under pretense of compelling the attendance of said member in the Senate Chamber; therefore, be it

*Resolved,* That a committee of three be appointed to investigate and report without delay whether or not the appointment of said assistant Sergeant-at-arms by the President *pro tem.*, authorized so to do by less than a quorum of the Senate, was legal, or authorized by any established precedent, and whether or not the rights of any member or members of this body have been disregarded or violated in consequence of said appointment, or by the conduct of the persons so appointed, and that said committee have power to send for persons and papers.

Which was received and read, and placed among the orders of the day.

Mr. Dennis introduced the following preamble and resolution:

WHEREAS, At an election for State Senator, held in the Eleventh District on the fifth day of November, 1872, Moses L. Duncan and A. McAuley were candidates; and whereas, as shown by the testimony taken before the Committee on Privileges and Elections at the last session of the Senate, the said Duncan received the highest number of votes cast at said election in said district, although by the rejection of the returns from one precinct in Hamilton county by the Board of County Canvassers, it was made to appear that the said McAuley had received the highest number of votes, in consequence of which the said McAuley received a certificate of election from the State Board of Canvassers, and was admitted thereupon as a member of this body; and whereas, pending the report of the said committee on Privileges and Elections, the said Duncan died; now, therefore, be it

*Resolved,* That the seat now occupied by the said McAuley as Senator from the Eleventh District be, and the same is hereby declared, vacant, and the Governor is requested to call a special election to fill said vacancy, at such time as he may deem proper.

Which was received and read and placed among the orders of the day.

Mr. Johnson moved that the Senate now adjourn until tomorrow morning at 10 o'clock;

Which was not agreed to.

Under a suspension of the rule Mr. McCaskill introduced Senate Bill No. 9:

A bill to be entitled An act Declaring Four-mile Creek, in Walton County, Navigable;

Which was read first time by its title and referred to the Committee on Judiciary.

Under a suspension of the rule Mr. Smith introduced Senate Bill No. 10:

A bill to be entitled an act to repeal an act entitled An act to Prevent Obstructions to Drains and Waters;

Which was read by its title and referred to the Committee on Commerce and Navigation.

Under a suspension of the rule Mr. Smith introduced Senate Bill No. 11:

A bill to be entitled An act to Authorize Married Women to Convey their Separate Estate, and Release Dower, by Attorney;

Which was read the first time by its title and referred to the Committee on Judiciary.

Under a suspension of the rule Mr. Smith introduced Senate Bill No. 12:

A bill to be entitled an act to amend an act entitled An act for the Assessment and Collection of Revenue, approved February 17, 1874;

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

Under a suspension of the rule Mr. Cottrell introduced Senate Bill No. 13:

A bill to be entitled An act Prescribing the Time of Holding the Circuit Courts in and for the County of La Fayette;

Which was read the first time by its title and referred to the Committee on Judiciary.

Under a suspension of the rule Mr. Lykes introduced Senate Bill No. 14:

A bill to be entitled An act for the Relief of Hernando County;

Which was read the first time by its title and referred to the Committee on Claims.

Under a suspension of the rule Mr. Durkee introduced Senate Bill No. 15:

A bill to be entitled An act Relating to Proceedings Before Justices of the Peace, and Judgments of Justices' Courts;

Which was read the first time by its title and referred to the Committee on Judiciary.

Under a suspension of the rule Mr. Oliveros introduced Senate Bill No. 16:

A bill to be entitled An act to Perpetuate Testimony Relating to Property Sold for Direct Taxes for the Years 1863, 1864, and 1865, and to Quiet the Titles to the Same;

Which was read by its title the first time and referred to the Committee on Judiciary.

Under a suspension of the rule Mr. McKinnon introduced Senate Bill No. 17:

A bill to be entitled An act in Relation to Non-residents Hunting in the State;

Which was read the first time by its title and referred to the Committee on Judiciary.

#### ORDERS OF THE DAY.

Senate Concurrent Resolution No. 1, calling for a joint committee, was taken up and adopted.

Senate Concurrent Resolution No. 3, referring to the Freedman's Savings Bank, was taken up and read.

Mr. Cottrell moved that it be referred to a special committee of three;

Which was agreed to.

The President appointed as such committee Messrs. Wallace, Oliveros, and Meacham.

The resolution of Senator Dennis, referring to the assault with deadly weapons made by Alexander Grant and E. W. L'Engle on the persons of certain Senators, was taken up and read.

Mr. Dennis moved the adoption of the resolution.

On the question of the adoption of the resolution, the yeas and nays were called with the following result:

Those voting in the affirmative were—

Messrs. Dennis, Durkee, Hill, Howell, Johnson, Long, Meacham, Osgood, Parlin, Pope, Sturtevant, and Wallace—12.

Those voting in the negative were—

Mr. President, Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, Oliveros, and Smith—12.

So the resolution was not adopted.

Mr. Dennis arose to a question of privilege.

The President declared him out of order.

Mr. Dennis appealed from the decision of the Chair.

On the question, Shall the Chair be sustained?

Upon which the yeas and nays were called with the following result:

Those voting in the affirmative were—

Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, Oliveros, and Smith—11.

Those voting in the negative were—

Messrs. Dennis, Durkee, Hill, Howell, Johnson, Long, Meacham, Osgood, Parlin, Pope, Sturtevant, and Wallace—12.

So the Chair was not sustained.

The following messages were received from the Assembly :

ASSEMBLY HALL, January 20, 1875.

*Hon. A. L. McCaskill, President pro tem. of the Senate :*

SIR: I am directed by the Assembly to inform the Senate that the Assembly has this day adopted Assembly concurrent resolution relative to appointing a joint committee to examine the offices of Comptroller and Treasurer.

Very respectfully, your obedient servant,

H. S. HARMON,  
Chief Clerk.

ASSEMBLY HALL, January 20, 1875.

*Hon. A. L. McCaskill, President pro tem. of the Senate :*

SIR: I am directed by the Assembly to inform the Senate that the Assembly has this day adopted Assembly concurrent resolution appointing a committee to visit the State Penitentiary. Very respectfully, your obedient servant,

H. S. HARMON,  
Chief Clerk.

ASSEMBLY HALL, }

TALLAHASSEE, Fla., January 21, 1875. }

*Hon. A. L. McCaskill, President pro tem. of the Senate :*

SIR: I am directed by the Assembly to inform the Senate that the Assembly has this day concurred in Senate concurrent resolution relative to adjournment.

Very respectfully,

H. S. HARMON,  
Chief Clerk.

ASSEMBLY HALL, }

TALLAHASSEE, Fla., January 26, 1875. }

*Hon. A. L. McCaskill, President pro tem. of the Senate :*

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed the following bills :

Assembly Bill No. 4 :

A bill to be entitled An act Fixing the Times for Holding the Circuit Courts in the Fifth Judicial Circuit.

Assembly Bill No. 1 :

A bill to be entitled An act to Regulate the Eligibility to Office in the State of Florida.

Very respectfully,  
H. S. HARMON,  
Chief Clerk.

The resolution of Mr. Dennis, relative to the seat of Mr. McAuley, was taken up and read.

Mr. Dennis moved its adoption.

Mr. McKinnon moved to amend by referring it to the Committee on Privileges and Elections.

On the question of referring it to the Committee on Privileges and Elections, the yeas and nays were called with the following result:

Those voting in the affirmative were—

Mr. President, Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, Oliveros, and Smith—12.

Those voting in the negative were—

Messrs. Dennis, Durkee, Hill, Howell, Johnson, Long, Meacham, Osgood, Parlin, Pope, Sturtevant, and Wallace—12.  
So the resolution was not referred.

Mr. McKinnon moved that the Senate adjourn until to-morrow morning at 10 o'clock;

On the question of adjournment the yeas and nays were called with the following result:

Those voting in the affirmative were—

Mr. President, Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, Oliveros, and Smith—12.

Those voting in the negative were—

Messrs. Dennis, Durkee, Hill, Howell, Johnson, Long, Meacham, Osgood, Parlin, Pope, Sturtevant, and Wallace—12.  
So the Senate refused to adjourn.

Mr. Dennis moved that the resolution be made the special order for to-morrow at half-past 10 o'clock.

Mr. Cottrell moved as an amendment that it be made the special order for Monday morning, February 1, at half-past 10 o'clock.

On the question of the adoption of the amendment the yeas and nays were called with the following result:

Mr. Cottrell moved as an amendment that it be made the special order for Saturday, January 30, at 12 o'clock.

On the question of the adoption of the amendment, the yeas and nays were called with the following result:

Those voting in the affirmative were—

Mr. President, Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, Oliveros, and Smith—12.

Those voting in the negative were—

Messrs. Dennis, Durkee, Hill, Howell, Johnson, Long, Meacham, Osgood, Parlin, Pope, Sturtevant, and Wallace—12.

So the amendment was not adopted.

On the motion of Mr. Dennis to make it the special order for to-morrow at half-past 10 o'clock, the yeas and nays were called with the following result:

Those voting in the affirmative were—

Mr. President, Messrs. Brantley, Cottrell, Crawford, Dennis, Durkee, Fortner, Hendry, Hill, Howell, Johnson, Knight, Long, Lykes, McAuley, Meacham, Oliveros, Osgood, Parlin, Pope, Sturtevant, and Wallace—22.

Those voting in the negative were—None.

So the resolution was made the special order for to-morrow at half-past 10 o'clock.

Mr. Johnson moved that the Senate adjourn until to-morrow at 10 o'clock;

Which was agreed to, and the President declared the Senate adjourned accordingly.

#### WEDNESDAY, JANUARY 27, 1875.

The Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Hill, Howell, Johnson, Knight, Long, Lykes, McAuley, McKinnon, Meacham, Oliveros, Osgood, Parlin, Pope, Smith, Sturtevant, and Wallace—22.

A quorum present.

Prayer by the Chaplain.

Mr. Meacham moved that the reading of the Journal be dispensed with;

Which was agreed to, and the Journal was amended and approved.